

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
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OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CV349
)	
v.)	JUDGMENT AND DECREE
)	OF FORECLOSURE
KATHLEEN M. CRANMORE, et al.,)	AND ORDER OF SALE
)	
Defendant(s).)	

Now on this 15th day of Aug, 2007, this cause came on for determination upon the Complaint filed herein by the Plaintiff, United States of America. The Plaintiff appears by and through its attorneys, Joe W. Stecher, United States Attorney for the District of Nebraska, and Robert L. Homan, Assistant United States Attorney for said District. The Defendants, Kathleen M. Cranmore and Raymond J. Cranmore, appear by and through their attorney, James M. Carney. The Defendant Community First National Bank has disclaimed any interest in the property which is the subject of this action (Filing No. 5). The Defendant Farm Credit Services of America, PCA has no further interest in the property which is the subject of this action, and has been dismissed. (Filing No. 28).

THEREFORE, the Court, having examined the record of these proceedings, and having been fully advised in the premises, finds:

Upon consideration of the Motion for Summary Judgment filed by the Plaintiff (Filing No. 35), the Court has determined that judgment see (Filing No. 38) should be entered for the Plaintiff for foreclosure of mortgages and enforcement of security interests against Kathleen M. Cranmore's undivided one-half (1/2) interest in the mortgaged real estate and chattel security.

That the Court has jurisdiction of these proceedings pursuant to Title 28, United States Code, § 1345;

That due and legal notice of the pendency of this action has been given;

And that the Court has acquired jurisdiction of all the parties.

AND this cause coming on further to be heard on the pleadings and the evidence and being submitted to the Court, on due consideration, the Court finds:

That each and all of the allegations of Plaintiff's Amended Complaint are true;

That Plaintiff is entitled to a Decree of Foreclosure and Order of Sale in rem as to the undivided one-half (1/2) interest of Kathleen M. Cranmore as prayed;

That the premises herein described will sell to the best advantage in one entire tract.

That the chattel property herein described will sell to the best advantage as one unit and will be sold subject to the undivided one half (1/2) interest of Raymond J. Cranmore.

That there is due and owing to the Plaintiff as of July 5, 2007, the principal sum of \$263,325.13, plus accrued interest in the amount of \$367,079.39, together with interest accruing at the rate of \$54.7873 per day from July 5, 2007, until the date of entry of this decree, plus \$1,029.00 in costs owed to the Department of Justice (DOJ). Interest will accrue on said sums from and after the date of entry of this decree at the legal rate of _____% computed daily and compounded annually until paid in full. The amount due Plaintiff as stated herein is the first lien on the following described real estate in Morrill County, Nebraska, to-wit:

PARCEL 1: The SE1/4, and 1.674 acres along part of the south side of NE1/4, Section 20, Township 18 North, Range 48 West of the 6th Principal Meridian, Morrill County, Nebraska, all more particularly described as follows: Beginning at the Southeast corner of said Section 20; Thence North on the east line of said Section 20, for a distance of 2661.9 feet, to a point 7.0 feet north of the northeast corner of said SE1/4; Thence N. 89° 48' West, along the south side of driveway, for a distance of 1622.1 feet; Thence S. 2° 29' E., (between houses), for a distance of 83.0 feet, to a point on the north line of said SE1/4; Thence S. 87° 31' W., on said north line SE1/4, for a distance of 995.7 feet, to the northwest corner of said SE1/4; Thence S. 0° 58' E., on the west line of said SE1/4, for a distance of 2648.3 feet, to the southwest corner of said SE1/4; Thence N. 87° 38' E., on the south line SE1/4, for a distance of 2571.0 feet, to the point of beginning, comprising a total area of 159.456 acres more or less, subject

to county roads on 33.0 feet width along the east line and along the south line.

PARCEL 2: The South Half of the Southwest Quarter (S1/2SW1/4) of Section 28, Township 18 North, Range 48 West of the 6th PM, Morrill County, Nebraska.

PARCEL 3: The West Half (W1/2) and the South Half of the Southeast Quarter (S1/2SE1/4) of Section 29, Township 18 North, Range 48 West of the 6th PM, Morrill County, Nebraska.

PARCEL 4: All of Section 31, Township 18 North, Range 48 West of the 6th PM, Morrill County, Nebraska.

PARCEL 5: The East Half of the Northeast Quarter (E1/2NE1/4) of Section 32, Township 18 North, Range 48 West of the 6th PM, Morrill County, Nebraska.

PARCEL 6: The West Half of the Northwest Quarter (W1/2NW1/4) of Section 33, Township 18 North, Range 48 West of the 6th PM, Morrill County, Nebraska.

Further, the Court finds that the United States shall have the right to immediate possession of the chattels listed below, and that these items shall be sold by the U.S. Marshal subject to the undivided one-half (1/2) interest of Raymond J. Cranmore with the sale proceeds to be paid in satisfaction of the chattel liens of the United States. The chattels to be immediately seized by the United States and sold pursuant to this Judgment and Decree of Foreclosure and Order of Sale are as follows:

<u>Quantity</u>	<u>Kind</u>	<u>Manufacturer</u>	<u>Size and Type</u>	<u>Year of Manufacturer</u>	<u>Serial Number</u>
1	Dirt Mover	Ashland	2 1/2 Yd		
1	Trailer	Donahue	28 ft.		
1	Killfor	Yellow	12 ft.		
1	Tractor	John Deere	4430	1974	25312R
1	Set Duals		18.4x38		
1	Tractor	John Deere	4430	1974	21813R
1	Set Duals	M&W	18.4x38		
1	Tractor	John Deere	4020 w/cab	1970	223379B
1	Loader	John Deere	158 7' bucket		
1	Plow	John Deere	835 A 4 Bottom		
1	Tractor	MM	U		
1	Bean Rod	Orthman	6R30	1980	
1	Plow Packer	Dunham	6 ft.		
1	Subsoiler	John Deere	5 Shank		
1	Planter	John Deere	Mdl.71 8 Units		
1	Disc	John Deere	18 ft. BW Tandem		
1	Rotary Hoe	John Deere	21 ft.	1976	
1	Subsoiler	John Deere	1 Shank		
1	Truck	Chevy	2 Ton	1968	CE538150729
1	Stack Mover	Farmhand	9 Ton 28 ft.	1980	
1	Windrower	John Deere	Hydro-swing	1999	
1	Horse Trailer	Phillips	20 X 8 Gooseneck	1971	
1	Pickup	Chevy		1967	CS14751432
1	Tractor	John Deere	Mower		
1	Gopher Machine	Lilliston		1980	
1	V Rake	Tonutti	3 Point		
1	Cultivator	KMC	8R30	1976	
1	Auger	Speed King	60 ft.	1977	
7	Fuel Tanks		300 Gallon		
1	Posthole digger	Shaver	3 pt.		
1	Springtooth	Kent	24 ft.		

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

That judgment in rem should be and hereby is entered against Kathleen M.

Cranmore's undivided one-half (1/2) interest of the real estate and chattel security which is the subject of this action.

That the above and foregoing findings are hereby made a part of this decree and order and by this reference incorporated herein;

That, if the costs as indicated below and the several amounts above found due and interest thereon be not paid within twenty (20) days herefrom, all equity of redemption in said premises be foreclosed and said premises sold as upon execution in one entire tract, and chattels sold upon execution as one unit subject to the undivided one-half (1/2) interest of Raymond J. Cranmore;

That the Plaintiff shall apply for and the Clerk of the United States District Court shall issue an Order of Sale;

That the United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property and shall take possession of said chattels, advertise and sell, according to law, the aforementioned chattel property;

That, as upon execution, said United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;

That, upon confirmation of said sale, said Clerk shall apply the proceeds as follows:

First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;

Second, to the payment of the amount found due the Plaintiff with interest thereupon according to law;

Third, to the payment of the costs of the United States Marshal for per diem and special requirements;

That said Clerk shall retain in the Registry of the Court any surplus from said sale until further order of the Court.

That the aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska.

That, upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of said real estate to such purchaser(s).

And that, upon consideration by the Court of the sale of the aforementioned chattels, the United States Marshal shall execute a Bill of Sale to the purchaser(s).

BY THE COURT:

A handwritten signature in black ink, appearing to read "David L. Piester", is written over a horizontal line.

DAVID L. PIESTER

UNITED STATES MAGISTRATE JUDGE

Prepared and submitted by:

UNITED STATES OF AMERICA

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And: /s/ Robert L. Homan
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APPROVED AS TO FORM AND CONTENT:

KATHLEEN M. CRANMORE and
RAYMOND J. CRANMORE, Defendants

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